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Trial Affidavit of Anna Choice

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

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| IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION |
| THIS DOCUMENT RELATES TO: ALL CLASS ACTIONS |

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

TRIAL AFFIDAVIT OF ANNA CHOICE

I, Anna Choice, pursuant to 28 U.S.C. § 1746, on oath, depose and state as follows:

1. My name is Anna Choice and I live in Chicago, Illinois. I was born on March 25, 1952. I am single and live alone.
2. Although it is now in remission, I was diagnosed with breast cancer in the fall of 2000. After that diagnosis, my cancer was treated for several years. I had to undergo chemotherapy, which begin in late October 2000, and radiation, which began in December 2000.
3. I had to go get chemotherapy every three weeks for six or seven months. I also had surgery to remove the breast cancer.
4. To this day, I go back to see Dr. Thomas every three months for a check-up.
5. I have been employed at Cub Foods, a grocery store locate in Chicago, for almost 16 years. I am currently a customer service representative, and am in charge of the cashiers and baggers, and work at the customer service desk at Cub.
6. I am a member of the United Food and Commercial Workers Unions and Employers Midwest Health Benefits Fund ("UFCW"), Local 881, and have been for almost sixteen years.

7. I get medical benefits through my UFCW membership, which offers Cub Foods employees a Preferred Physician Organization (“PPO”) plan through Blue Cross Blue Shield of Illinois (“BCBS IL”). To my knowledge Cub Foods employees have had BCBS IL insurance for at least the last 14 or 15 years. It is my understanding that BCBS IL pays 80% of my medical expenses, and I am responsible for the remaining 20%.

8. I have no other private health insurance other than this BCBS IL policy. I am not eligible enrollment in Medicare, Medicaid, Veteran’s benefits, or Social Security.

9. From approximately September of 2000-March of 2001 I received disability benefits when I was first diagnosed with breast cancer, but I am not currently receiving any such benefits. I used the money I received through my disability benefits to pay for my household expenses, food, and bills because I was unable to work at that time.

10. Other than receiving the disability benefits during this limited time, I have had no other entity or person to help me pay my medical bills over the last fifteen years.

11. Each time I visit the doctor, I am responsible for a certain portion of the expenses. My doctor sends me a bill showing the amount BCBS IL paid, and the amount I am responsible for paying. These bills are itemized to show the cost for each service and drug.

12. While I have made several payments on certain medical bills and have paid others in full, I still have some outstanding medical bills that I continue to make payments on. Some of my medical bills were sent to a collection agency, and I am on a payment plan to pay \$125/month with one doctor’s office to pay an outstanding bill that was approximately \$4,000 back in November of 2005. It is my understanding that BCBS IL did not pay for my last round of chemotherapy.

13. I was given many different drugs as part of my cancer treatment. These include Rubex, Zofran, Cytosan, Heparin Sod, Dexamethasone Sodium and Taxotere. I was administered, billed for, and made out-of-pocket payments for these drugs during the time period alleged in the Complaint.

14. I do not specifically recall being prescribed or taking these particular medicines, mostly because I was given so many drugs during chemotherapy and radiation that it's all a bit of a blur. However, I know that I took and made payments for them based upon my bills and statements from BCBS IL.

15. I understand this case to be about drug manufacturers overcharging for their medicine and making more money than they need. I think they would make money either way because people will always need the medicine to get better.

16. I do not know how medical providers determine the amount they charge for their services and prescription drugs, nor do I know how BCBS IL determines how much it is willing to pay for those services or drugs.

17. I first heard of AWP, or Average Wholesale Price, from my involvement in this lawsuit. I am still not quite sure what AWP is or how it factors into the payments I am required to make for my cancer drugs.

18. It is my personal opinion that whatever system is used as a basis for calculating my co-payment should be fair and accurate and not be subject to manipulation.

19. I took Rubex, Zofran and Cytosan. I understand that the manufacturers of those drugs are alleged to have published prices and then secretly offered their drugs at a lower price, providing a profit for the doctor. I understand that my payments were based on the higher published prices. If these facts are true, I feel it is unfair for drug companies to publish prices

that have no real meaning, the effect of which is to cause me and others like me to pay more for those drugs.

20. I understand that defendants say that their published prices are like a sticker price on a car. However, to me a drug company that creates a false price knowing that my life depends on the drugs and that I must pay for them stands in different shoes than a car manufacturer. In addition, I am not aware of any situation where a car manufacturer offers discounts of 30%, 60% or even over 300% off sticker price.

21. The bills and statements I received from my doctors and BCBS IL do not show what the AWP is for the drugs I was given. There was no way for me to have known, as a patient, whether certain charges for a given medication were based on AWP or where the prices came from or were calculated.

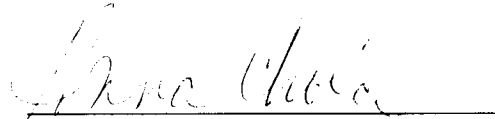
22. While I think the drugs I took helped me survive my cancer, I believe that they are far too expensive and, years later, even though my cancer is in remission I am still paying off medical bills for services and the drugs that I received during my chemotherapy and radiation.

23. I believe the drug manufacturers are overcharging both insured and uninsured individuals, unions, and insurance companies, and these are the types of people I am hoping to represent in this case. I know that there are others out there like me who can't afford to pay a lot of money for medicine, including those people who have no insurance at all.

24. I just learned that my Cubs Food location will be closing in December of 2006 and I will be out of a job and without health insurance. This will make it even more difficult for me to pay off my remaining medical bills.

I declare under penalty of perjury that the foregoing is true and correct.

Date: October 27 2006

A handwritten signature in cursive script, appearing to read "Anna Choice", written over a horizontal line.

Anna Choice

